



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 26 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Matt B. Eugster
Partner
Varum Attorneys At Law
333 Bridge Street NW
Grand Rapids, Michigan 49505
Email: mbeugster@varumlaw.com

Re: Administrative Order EPA-5-18-113(a)-MI-04

Dear Mr. Eugster:

Enclosed is an executed original of the Administrative Consent Order regarding the above captioned case. If you have any questions about the Order, please contact me at (312) 886-3850.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan Frank", is written over a long, horizontal, slightly wavy line that extends across the page.

Nathan Frank, Chief
Air Enforcement and Compliance Assurance Section (IL/TN)

Enclosure

cc: Cathleen Martwick/via electronic mail
Tom Hess, Unit Manager, MDEQ/via electronic mail
Shane Nixon, MDEQ/via electronic mail

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	EPA-5-18-113(a)-MI-04
)	
A&L Iron and Metal Company)	Proceeding Under Section 113(a)(1) and 114(a)(1)
Gaylord, Michigan)	of the Clean Air Act, 42 U.S.C. § 7413(a)(1)
)	and 7414(a)(1)
_____)	

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to A&L Iron and Metal Company (A&L) under Section 113(a)(1) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(1) and 7414(a)(1).

Statutory and Regulatory Background

2. Under Section 112 of the CAA, U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines (RICE MACT) at 40 C.F.R. §§ 63.6580 through 63.6675.
3. The RICE MACT applies to owners and operators of stationary reciprocating internal combustion engines (RICE) at major and area sources of hazardous air pollutant (HAP) emissions.
4. The RICE MACT, at 40 C.F.R. § 63.6603(a) requires the owner or operator of a stationary RICE to comply with numerical emission limitations established in Table 2d of the RICE MACT.

15. The Michigan Department of Environmental Quality (MDEQ) issued a Permit to Install, Permit Number 173-08, on August 12, 2008, which allows A&L to operate a CI RICE.
16. As of May 3, 2010, the RICE MACT applied to existing stationary RICE sources and adopted emission limitations, operating requirements, monitoring requirements and recordkeeping requirements for each engine category, 75 Fed. Reg. 9675 (March 3, 2010).
17. The A&L CI RICE is an existing area source constructed or reconstructed prior to June 12, 2006, and is required to comply with the RICE MACT no later than May 3, 2013.
18. EPA conducted a Clean Air Act inspection of the A&L Facility on October 4, 2017 (2017 Inspection).
19. At the time of the 2017 Inspection, A&L had not equipped or retrofitted its RICE with pollution control technology necessary to comply with any of the compliance options for CI RICE listed in Table 2b of the RICE MACT.
20. During the 2017 Inspection, EPA inspectors observed visible particulate matter emissions from the diesel engine stack. The presence of visible emissions from a RICE is inconsistent with RICE MACT compliance.
21. On March 28, 2018, EPA issued to A&L a finding of violation (FOV) alleging that it violated the RICE MACT.
22. On May 3, 2018, representatives of A&L and EPA discussed the March 28, 2018 FOV.

- b. Limits the concentration of CO in the stationary RICE exhaust to 23 parts per million by volume on a dry basis (ppmvd) at 15 percent oxygen (O₂) or reduces CO emissions by 70 percent or more.
29. By the effective date of this Order, A&L must operate its stationary RICE with a continuous parametric monitoring system that continuously monitors the catalyst inlet temperature according to the requirements in 40 C.F.R. § 63.6625(b).
30. By the effective date of this Order, A&L must maintain the oxidation catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water from the pressure drop across the catalyst measured during the performance test conducted according to paragraph 25 and maintain the temperature of its stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450° F and less than or equal to 1350° F.
31. On a semiannual basis, A&L must submit to EPA compliance reports, that document all deviations and malfunctions in accordance with 40 C.F.R. § 63.6650.
32. Within 60 days of the effective date of this Order, A&L must submit a permit application to the MDEQ to modify its federally enforceable state operating permit by incorporating the relevant provisions of the RICE MACT and operating limits established during the performance testing conducted according to paragraph 25.
33. A&L must submit a copy of the permit application to EPA within 7 days of submitting the application to MDEQ.
34. Within 90 days of the effective date of this Order, A&L must submit to EPA documentation demonstrating compliance with this Order.

42. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate two years from the effective date, provided that A&L has complied with all terms of the Order throughout its duration.

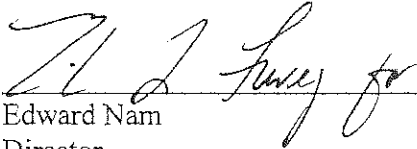
A&L Iron and Metal Company

4-9-19
Date

Bret Bandt
Bret Bandt
Vice President
A&L Iron and Metal Company

United States Environmental Protection Agency

4/26/19
Date


Edward Nam
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

CERTIFICATE OF MAILING

I certify that I sent the Administrative Consent Order, EPA-5-18-113(a)-MI-04, by certified mail, return receipt requested, to:

Matt B. Eugster
Partner
Varum Attorneys At Law
333 Bridge Street NW
Grand Rapids, Michigan 49505

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-19-113(a)-IL04, by E- mail to:

Tom Hess
Enforcement Unit Manager
Air Quality Division, MDEQ
hestt@michigan.gov

Shane Nixon
Air Quality Division, MDEQ
nixons@michigan.gov

On the 2nd day of May 2019.

Kathy Jones

Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT
NUMBER:

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